

**IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF NEBRASKA**

UNITED STATES OF AMERICA,

Plaintiff,

VS.

SHANE BERTUCCI,

Defendant.

8:09CR84

ORDER

This matter is before the court on the motion to continue by defendant Shane Bertucci (Bertucci) (Filing No. 18). Bertucci seeks a continuance of the trial of this matter which is scheduled for June 8, 2009. Upon consideration, the motion will be granted.

IT IS ORDERED:

1. Bertucci's motion to continue trial (Filing No. 18) is granted.
2. Trial of this matter is re-scheduled for **June 29, 2009**, before Chief Judge Joseph F. Bataillon and a jury. The ends of justice have been served by granting such motion and outweigh the interests of the public and the defendant in a speedy trial. The additional **time** arising as a result of the granting of the motion, i.e., the time between **May 21, 2009 and June 29, 2009**, shall be deemed **excludable** time in any computation of time under the requirement of the Speedy Trial Act for the reason that defendants' counsel require additional time to adequately prepare the case and the defendant's physical condition. The failure to grant additional time might result in a miscarriage of justice. 18 U.S.C. §§ 3161(h)(8)(A) & (B) and 3161(h)(4).

DATED this 21st day of May, 2009.

BY THE COURT:

s/ Thomas D. Thalken
United States Magistrate Judge